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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. **2010-358**

12 **SUSAN REDMAN FORSYTH**
13 **1916 Wingate Way**
14 **Hayward, CA 94541**

ACCUSATION

15 **Registered Nurse License No. 493146**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
21 official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"),
22 Department of Consumer Affairs.

23 2. On or about August 31, 1993, the Board issued Registered Nurse License Number
24 493146 to Susan Redman Forsyth ("Respondent"). The Registered Nurse License was in full
25 force and effect at all times relevant to the charges brought herein and will expire on
26 February 28, 2011, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code ("Code") unless otherwise indicated.

4. Code section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

RELEVANT STATUTES AND/OR REGULATIONS

6. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

"(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions."

...

7. California Code of Regulations, title 16, section 1442, states:

"As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from the standard of care which, under similar circumstances, would have ordinarily been exercised by a competent registered nurse. Such an extreme departure means the repeated failure to provide nursing care as required or failure to provide care or to exercise ordinary precaution in a single situation which the nurse knew, or should have known, could have jeopardized the client's health or life."

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8. California Code of Regulations, title 16, section 1443, states:

"As used in Section 2761 of the code, 'incompetence' means the lack of possession of or the failure to exercise that degree of learning, skill, care and experience ordinarily possessed and exercised by a competent registered nurse as described in Section 1443.5."

9. California Code of Regulations, title 16, section 1443.5 states:

"A registered nurse shall be considered to be competent when he/she consistently demonstrates the ability to transfer scientific knowledge from social, biological and physical sciences in applying the nursing process, as follows:

"(1) Formulates a nursing diagnosis through observation of the client's physical condition and behavior, and through interpretation of information obtained from the client and others, including the health team.

...

"(5) Evaluates the effectiveness of the care plan through observation of the client's physical condition and behavior, signs and symptoms of illness, and reactions to treatment and through communication with the client and health team members, and modifies the plan as needed."

...

COST RECOVERY

10. Section 125.3 of the Code states, in pertinent part, that a Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

STATEMENT OF FACTS

11. In June 2001, Respondent was hired as a labor and delivery nurse at Kaiser Medical Center in Hayward, California. At the time of the incident, Respondent had been practicing as a Registered Nurse for approximately 11 years.

12. Respondent was on duty the morning of April 2, 2005. At 8:00 a.m., she assumed the care of patient R.K., a 27 year old gravida 2, para 1, who was 40 5/7 weeks pregnant and had been admitted for induction of labor with Pitocin.

13. R.K.'s obstetric history was significant for having undergone a cesarean section for delivery of her first child. With her second pregnancy, R.K., elected to undergo a VBAC (Vaginal Birth After Cesarean Section). R.K.'s labor was complicated by chorioamnionitis (intrauterine infection) for which she received antibiotic therapy.

14. At approximately 12:20 p.m. on April 2, 2005, R.K. was completely dilated and began pushing. At 1:40 p.m., the fetal heart rate dropped and stayed down to 50 beats per minute.¹ Respondent called Kaiser obstetrician Dr. Sam Young, and by the application of forceps R.K.'s daughter was born at 1:52 p.m.

15. At 8:45 a.m., on April 2, 2005, prior to delivery, Respondent noted that R.K.'s blood pressures ranged from 108-133 (systolic) and from 51-81 (diastolic). At 2:15 a.m., on April 2, 2005, R.K. received an epidural for pain relief with stable blood pressures after placement of the epidural.

16. The following is a chronology of R.K.'s blood pressures after delivery and clinical symptoms and interventions while under Respondent's care -- who was required to contact the delivering physician if the patient's systolic blood pressure was greater than 140 or less than 90:

Time	Blood Pressure	Clinical Symptoms	Intervention(s)
2:10 p.m.	59/35	R.K. weak, pale, nauseated with moderate lochia ²	Anesthesiologist Dr. Park called by Respondent. Bolus of IV fluid with 20 Units of Pitocin given to R.K. by Respondent.
2:15 p.m.	86/31	Fundus firm, moderate lochia	Dr. Park at bedside - medication given to increase blood pressure.
2:20 p.m.	75/43	None noted	Continued bolus of IV fluids by Respondent
2:25 p.m.	75/40	Moderate lochia	Continued bolus of IV fluids by Respondent
2:30 p.m.	83/45	R.K. weak, sleepy, with moderate lochia. Firm fundus noted	Continued bolus of IV fluids by Respondent
2:45 p.m.	92/52	Moderate lochia with notation of firm fundus	None noted

¹ A normal fetal heart rate is between 110 to 160 beats per minute.

² "Lochia" is the term for bleeding from the uterus after a delivery. Its amount is subjectively quantified as being small, moderate, or large.

Time	Blood Pressure	Clinical Symptoms	Intervention(s)
3:00 p.m.	93/64	R.K. complains of pain and nausea. Emesis of 400 ml; one clot expressed but fundus noted to be firm	None noted
3:15 p.m.	88/43	Fundus firm	None Noted
3:30 p.m.	64/17	R.K. pale, drowsy but arouses to voice	Obstetrician and anesthesiologist paged, IV bolus, R.K. laid flat in bed; foley catheter inserted

17. Respondent "assumed" that R.K.'s persistently low blood pressure after delivery was due to her having received a bolus (increased amount) of anesthesia by way of her epidural, prior to delivery. This belief persisted despite Kaiser Anesthesiologist Dr. Park's administration of medication at 2:15 p.m., which should have rectified R.K.'s low blood pressure, if it had in fact been due to the epidural.

18. At 3:30 p.m., when obstetrician Dr. Young was finally called, R.K.'s blood pressure as noted above was 64/17, she was pale, drowsy and barely responsive. Emergency procedures were instituted and R.K. underwent an abdominal hysterectomy due to uncontrolled bleeding. It was estimated that she lost 4000 milliliters of blood³ and as a result of this massive hemorrhage she was transfused with 10 Units of blood.

FIRST CAUSE FOR DISCIPLINE

(Gross Negligence and/or Incompetence)

19. Respondent is subject to disciplinary action under Code section 2761(a)(1) in that her failure to timely notify obstetrician Dr. Young of R.K.'s initial low blood pressure after delivery, was an extreme departure from the standard of nursing care and/or not the practice of a competent nurse as set forth in paragraphs 15 through 18, above.

SECOND CAUSE FOR DISCIPLINE

(Gross Negligence/Incompetence)

20. Respondent is subject to disciplinary action under Code section 2761(a)(1) in that her failure to notify Kaiser obstetrician Dr. Sam Young of R.K.'s continued low blood pressures

³ Blood loss for an average vaginal delivery can be up to 500 milliliters of blood.

1 after delivery, was an extreme departure from the standard of nursing care and/or not the practice
2 of a competent nurse as set forth in paragraphs 15 through 18, above.

3 THIRD CAUSE FOR DISCIPLINE

4 (Incompetence)

5 21. Respondent is subject to disciplinary action under Code section 2761(a)(1) in that
6 she failed to recognize that R.K.'s persistently low blood pressures after delivery, and moderate
7 lochia were consistent with post partum hemorrhage, and that R.K. was at high risk for
8 hemorrhage given her previous cesarean section, Pitocin induction, chorioamnionitis and forcep
9 delivery as described in paragraphs 12 through 18, above.

10 PRAYER

11 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
12 and that following the hearing, the Board of Registered Nursing issue a decision:

13 1. Revoking or suspending Registered Nurse License Number 493146, issued to Susan
14 Redman Forsyth.

15 2. Ordering Susan Redman Forsyth to pay the Board of Registered Nursing the
16 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
17 Professions Code section 125.3;

18 3. Taking such other and further action as deemed necessary and proper.

19 DATED: 2/2/10

20 *Louise R. Bailey*
LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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